

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA**

MINUTE ORDER [X] Amended on 10/04/2016

DATE: 10/04/2016

TIME: 08:20:00 AM

DEPT: 43

JUDICIAL OFFICER PRESIDING: Kevin DeNoce

CLERK: Tiffany Froedge

REPORTER/ERM: Nalena Rieder

CASE NO: **56-2015-00465460-CU-BC-VTA**

CASE TITLE: **Aerovironment Inc vs. Torres**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion to Strike Objections and Compel Further Testimony Supporting Memorandum of Points and Authorities

MOVING PARTY: Gabriel Torres, Jeff McBride, Micasense Inc, Justin McAllister

CAUSAL DOCUMENT/DATE FILED: Motion to Strike Objections and Compel Further Testimony Supporting Memorandum of Points and Authorities, 04/27/2016

EVENT TYPE: Motion to Compel (1) Defts to Answer Deposition Questions; and (II) for Additional Time to Complete the Deposition of Individual Defts Torres, Mcallister, and McBride

MOVING PARTY: Aerovironment Inc

CAUSAL DOCUMENT/DATE FILED: Motion to Compel (1) Defts to Answer Deposition Questions; and (II) for Additional Time to Complete the Deposition of Individual Defts Torres, Mcallister, and McBride, 06/28/2016

APPEARANCES

JENNIFER S. BALDOCCHI, counsel, present for Plaintiff(s).

A LOUIS DORNY, counsel, present for Defendant(s).

Weiss B. Hamid, counsel for defendants, is present

At 09:18 a.m., court convenes in this matter with all parties present as previously indicated.

Counsel have received and read the court's written tentative ruling.

The court grants the joint request of counsel to close the courtroom. The court orders the transcript sealed. It is not to be released except pursuant to court order.

Except for one issue, Defendant will submit on the Court's tentative ruling.

Matter submitted to the Court with argument.

The Court finds/orders:

The Court's tentative as to Motion to Compel (1) Defendants' Answer to Deposition Questions and (2) for Additional Time to Complete the Deposition of Individual Defendants Torres, Mcallister, and McBride for is adopted as the Court's ruling.

The court's ruling is as follows:

Grant motion to compel defendants to answer deposition questions. Defendants have failed to justify their refusals to answer the questions. Grant additional time to complete the depositions of individual defendants. Plaintiff shall have an additional 3 and ½ hours to conclude the depositions of defendant Torres and McBride. Plaintiff shall have an additional 7 hours to conclude the deposition of defendant Mcallister.

Pursuant to *Code of Civil Procedure* sections 639 and 640, the court is considering appointing a discovery referee in order to resolve the ongoing discovery disputes between the parties. The Court invites comments at the hearing regarding the appointment of a discovery referee. In anticipation of the possibility of the court appointing a discovery referee, at the hearing on this matter, counsel should be prepared to submit an agreed upon referee name to the court, or, pursuant to section 640, each party shall submit to the court up to three nominees for appointment.

Parties waive notice.

The Court takes this matter of **privilege** under submission as of 10/04/2016.